

REMARKS

This Application has been carefully reviewed in light of the Final Office Action mailed January 5, 2005. In order to advance prosecution of this case, Applicants amend Claims 1, 10-14, 17, 20 and 21. In light of the Examiner telephone interview discussed below, Applicants have amended Claims 1, 10-14, 17 and 20 to recite an "encrypted port command." Applicants have also amended Claim 21 in response to the Examiner's rejection of Claim 21 under 35 U.S.C. §101, as discussed below. Applicants respectfully request reconsideration and favorable action in this case.

Telephone Interview

Counsel for Applicants thanks the Examiner for the telephone interview regarding the present Application conducted on April 1, 2005. During the interview, Applicants enquired about a statement on Page 4 of the Final Office Action regarding the use of the word "encoded" instead of "encrypted" in Claim 1 (as well Claims 2-20). The Examiner indicated that amending the phrase "encoded port command" to "encrypted port command" in the claims would render the claims patentable over the art used by the Examiner in the Final Office Action, namely, *Stallings*, *Egevang*, *Phifer*, *Bellovin*, *Hoffman*, *Borella*, and *Microsoft*. However, the Examiner noted that further review would be required in order to determine whether such amendment of the claims would render the claims patentable over KTELNET Version 2.01 by Nystrom et al. ("*KTELNET*"), which reference was listed briefly near the end (page 17) of the Final Office Action.

Section 101 Rejections

Claim 21 stands under 35 U.S.C. §101 and contends that the claimed invention is directed to non-statutory subject matter. More specifically, the Office Action contends that a "signal" is "none of a process, machine, manufacture, or composition of matter." See *Office Action*, page 6, paragraph 15.

Although Applicants believe that the original Claim 21 does recite statutory subject matter, Applicants have amended Claim 21 to recite “An electronic signal . . . embodied at least temporarily in computer-readable media,” in order to advance prosecution of the present application. Applicants respectfully request that the Examiner withdraw his rejection of Claim 21 under 35 U.S.C. §101.

Section 102 and 103 Rejections

- Claim 14 stands rejected under 35 U.S.C. §102(b), as being anticipated by “*Distributed Network Access Translation*”, by Borella et al. (“*Borella*”).
- Claims 1-4, 6-9 and 17-20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over “*Network Security Essentials, Applications and Standards*”, by Stallings (“*Stallings*”) in view of “*The IP Network Address Translator (NAT)*” by Egevang et al., (“*Egevang*”) in view of “*IP Security and NAT: Oil and Water?*” by Phifer (“*Phifer*”) in further view of “*Firewall-Friendly FTP*” (RFC 1579) by Bellovin (“*Bellovin*”).
- Claims 5 and 10 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Stallings, Egevang, Phifer* and *Bellovin*, as applied to Claims 1 and 6 above, and in further view of “*SMTP Service Extension for Secure SMTP over TLS*” (RFC 2487) by Hoffman (“*Hoffman*”).
- Claims 14-16 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Stallings, Egevang* and *Phifer*.
- Claims 11-13 stand rejected under U.S.C. §103(a) as being unpatentable over *Borella* in view of “*Unicast Routing Overview*” by Microsoft (“*Microsoft*”).
- Claims 12 and 13 stand rejected under “similar rational” as Claim 11.

As discussed above, Applicants have amended the claims such that Claims 1-20 recite an “encrypted port command” rather than reciting an “encoded port command.” For example, amended Claim 1 recites:

A server comprising:
a communications module operable to receive a dual communication packet from a client over a first channel, the dual communication packet including a header having a client external IP address and a data payload having an encrypted port command having a client internal IP address and a client data port number;
a codec operable to decrypt the port command;
a translation module operable to retrieve the client external IP address from the header and to generate a modified port command including the external IP address; and
the server operable to establish a second channel based on the modified port command.

None of the cited references, whether considered alone or in combination, recite this combination of limitations. First, as discussed above, the Examiner indicated during the telephone interview that amending the phrase “encoded port command” to “encrypted port command” in the claims would render the claims patentable over *Stallings*, *Egevang*, *Phifer*, *Bellovin*, *Hoffman*, *Borella*, and *Microsoft*, as none of these references disclose such limitations.

In addition, *KTELNET* fails to disclose the limitations of Claim 1. For example, *KTELNET* fails to disclose a “dual communication packet including a header having a client external IP address and a data payload having an encrypted port command having a client internal IP address and a client data port number,” as specifically recited in amended Claim 1. In fact, *KTELNET* fails to disclose “an encrypted port command” at all. If the Examiner maintains that *KTELNET* does disclose these limitations, Applicants request that the Examiner clearly explain the pertinence of *KTELNET* and specifically point out the portion of *KTELNET* that allegedly discloses these limitations, as required by 37 C.F.R. § 1.104, which states:

In rejecting claims for want of novelty or obviousness, the examiner must cite the best references at his or her command. When a reference is complex or shows or describes inventions other than that claimed by the applicant, the *particular part relied on must be designated as nearly as practicable*. The pertinence of each reference, if not apparent, must be *clearly explained* and each rejected claim specified.

37 C.F.R. § 1.104(c)(2) (emphasis added).

Conclusions

Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicants respectfully request full allowance of all pending Claims. If the Examiner feels that a telephone conference or an interview would advance prosecution of this Application in any manner, the undersigned attorney for Applicants stands ready to conduct such a conference at the convenience of the Examiner.

Applicants enclose a Request for Continued Examination (RCE) Transmittal along with a check in the amount of \$790.00 for the RCE fee required under 37 C.F.R. 1.17(e). Applicants believe there are no additional fees due at this time; however, the Commissioner is hereby authorized to charge any fees to or credit any overpayments Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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